

EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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L.P. MATTHEWS, L.L.C., :
Plaintiff, :
vs. : Civil Action
BATH & BODY WORKS, INC.; : No. 04-1507 (SLR)
LIMITED BRANDS, INC.; KAO
BRANDS CO., (f/k/a THE :
ANDREW JERGENS COMPANY);
and KAO CORPORATION, :
Defendants. :

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Deposition of CHRISTOPHER T. RHODES, Ph.D., a witness
herein, called for examination by counsel for Defendant
in the above-entitled matter, pursuant to notice, the
witness being duly sworn by Robert M. Jakupciak, a
Notary Public in and for the District of Columbia, taken
at the offices of Robins, Kaplan, Miller & Ciresi, L.L.P.,
1801 K Street, N.W., Washington, D.C., 20006, at 9:00 a.m.,
on April 26, 2006, and the proceedings being taken down
by Stenotype by Robert M. Jakupciak, RPR.

Christopher T. Rhodes

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April 26, 2006

2 (Pages 2 to 5)

<p>1</p> <p>2 APPEARANCES:</p> <p>3 On behalf of the Plaintiff:</p> <p>4 JASON R. BURATTI, ESQUIRE</p> <p>5 Robins, Kaplan, Miller & Ciresi, L.L.P</p> <p>6 1801 K Street, N.W</p> <p>7 Washington, D.C., 20006</p> <p>8 (202) 736-2710</p> <p>9 On behalf of Limited Defendants:</p> <p>10 JOHN F. WARD, ESQUIRE</p> <p>11 Ward & Olivo</p> <p>12 798 Third Avenue</p> <p>13 New York, New York 10017</p> <p>14 (212) 697-6262</p> <p>15 On behalf of Kao Corporation:</p> <p>16 STEPHEN G. BAXTER, ESQUIRE</p> <p>17 RICHARD L. CHINN, ESQUIRE</p> <p>18 Oblon, Spivak, McClelland</p> <p>19 Maier & Neustadt, P.C.</p> <p>20 1940 Duke Street</p> <p>21 Alexandria, Virginia 22314</p> <p>22 (703) 413-3000</p>	<p>2</p> <p>1 Whereupon,</p> <p>2 CHRISTOPHER T. RHODES, Ph.D.,</p> <p>3 called for examination by counsel for Defendant and</p> <p>4 having been duly sworn by the Notary Public, was</p> <p>5 examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>7 BY MR. BAXTER:</p> <p>8 Q. Good morning.</p> <p>9 A. Good morning.</p> <p>10 Q. Could you please state your full name</p> <p>11 for the record?</p> <p>12 A. Christopher Thomas Rhodes. R-H-O-D-E-S.</p> <p>13 Q. Could you please state your current</p> <p>14 address for the record?</p> <p>15 A. 28 Prospect Avenue, Narragansett, Rhode</p> <p>16 Island.</p> <p>17 Q. Is it Dr. Rhodes or Professor Rhodes or</p> <p>18 Mr. Rhodes?</p> <p>19 A. Professor Rhodes is perfectly</p> <p>20 satisfactory, thank you, sir.</p> <p>21 Q. My name is Steve Baxter, and I represent</p> <p>22 the Kao defendants in this litigation. Do you</p>
<p>3</p> <p>1 C O N T E N T S</p> <p>2 THE WITNESS: CHRISTOPHER T. RHODES, Ph.D.</p> <p>3 EXAMINATION PAGE NO.</p> <p>4 By Mr. Baxter 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 RHODES EXHIBIT NUMBER PAGE NO.</p> <p>10 1 Curriculum Vitae 49</p> <p>11 2 Rhodes Report 109</p> <p>12 3 Rhodes Updated Report 109</p> <p>13 4 '062 Patent 133</p> <p>14 5 '485 Patent 150</p> <p>15 6 Rhodes Responsive Report 216</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>5</p> <p>1 understand that I'm going to be asking you a series</p> <p>2 of questions today?</p> <p>3 A. I do.</p> <p>4 Q. And do you understand that if at any</p> <p>5 time during the questioning you don't understand one</p> <p>6 of my questions, you have the right to ask me for an</p> <p>7 explanation?</p> <p>8 A. I do.</p> <p>9 Q. And do you understand that you have the</p> <p>10 right to ask for a break at any time during the</p> <p>11 deposition?</p> <p>12 A. I do.</p> <p>13 Q. Have you ever been deposed before?</p> <p>14 A. Yes.</p> <p>15 Q. How many times?</p> <p>16 A. I can't give you an exact number.</p> <p>17 Q. More than ten?</p> <p>18 A. I don't know. I think probably about</p> <p>19 ten. I cannot be certain.</p> <p>20 Q. Have you ever -- have any of your prior</p> <p>21 depositions been in the context of patent</p> <p>22 litigation?</p>

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<p style="text-align: right;">162</p> <p>1 MR. BURATTI: Same objection.</p> <p>2 A. I'm still not quite sure I understand.</p> <p>3 Are you asking me do you know why the inventors</p> <p>4 didn't carry out tests at say 1 percent or 2</p> <p>5 percent? Is that what you are asking me?</p> <p>6 Q. No.</p> <p>7 A. No, you are not. Could you -- I'm</p> <p>8 regretting to say I'm quite lost. Could you</p> <p>9 rephrase the question?</p> <p>10 Q. Do you know how the inventors arrived at</p> <p>11 the number 5 percent? Why did they determine that</p> <p>12 it would work with as little as 5 percent?</p> <p>13 MR. BURATTI: Objection to form. Calls</p> <p>14 for speculation.</p> <p>15 Q. Why didn't they say as little as one</p> <p>16 percent?</p> <p>17 MR. BURATTI: Same objection.</p> <p>18 A. I'm not sure, I'm still not sure I</p> <p>19 understand the question. What they have done is</p> <p>20 they presented data with various concentrations of</p> <p>21 olive oil -- orange oil, and the lowest one they</p> <p>22 have reported in the patent is 5 percent.</p>	<p style="text-align: right;">164</p> <p>1 A. I disagree. I think what that's saying</p> <p>2 is if you are interested particularly in having a</p> <p>3 cleansing composition to remove the real toughies,</p> <p>4 like calking compounds, et cetera, et cetera, then 5</p> <p>5 percent may not be appropriate. However, if you are</p> <p>6 interested in removing cosmetics or other forms of</p> <p>7 dirt which are less tenacious, then 5 percent or</p> <p>8 even less may be perfectly appropriate.</p> <p>9 Q. Where does the even less come? It</p> <p>10 doesn't say as little as. It doesn't say as little</p> <p>11 as 5 percent or less; does it?</p> <p>12 MR. BURATTI: Object.</p> <p>13 Q. Where do you read in the or less?</p> <p>14 MR. BURATTI: Objection to form.</p> <p>15 A. What I read is this. Applicants</p> <p>16 concluded that with respect to cosmetics, a</p> <p>17 composition according to the present invention could</p> <p>18 have as little as 5 percent volume. They can only</p> <p>19 state that because that's all they've tested. Since</p> <p>20 they haven't tested below 5 percent, they don't make</p> <p>21 a statement about it. So they are being very</p> <p>22 cautious, they are being very conservative and I'm</p>
<p style="text-align: right;">163</p> <p>1 Q. That's the lowest effective amount they</p> <p>2 have reported in the patent?</p> <p>3 MR. BURATTI: Objection to the form and</p> <p>4 misleading.</p> <p>5 Q. Is that correct?</p> <p>6 A. That's the product with the lowest</p> <p>7 concentration that they report.</p> <p>8 Q. Isn't it true that that sentence says:</p> <p>9 From these tests, applicants concluded that with</p> <p>10 respect to cosmetics, a composition according to the</p> <p>11 present invention could have as little as 5 percent</p> <p>12 by volume of orange oil, although it was preferable</p> <p>13 to have a cleaning composition having at least 25</p> <p>14 percent by volume of orange oil? Isn't that what it</p> <p>15 says?</p> <p>16 A. You have read out that sentence</p> <p>17 correctly.</p> <p>18 Q. Doesn't that indicate that 5 percent is</p> <p>19 the lowest amount that they considered effective for</p> <p>20 cleaning as the tests are set out in the</p> <p>21 application?</p> <p>22 MR. BURATTI: Objection to form.</p>	<p style="text-align: right;">165</p> <p>1 not taking issue with that statement.</p> <p>2 What I'm saying is the person skilled in</p> <p>3 the art who reads that is going to say I understand</p> <p>4 what the authors -- sorry -- what the patentees did,</p> <p>5 but I have good reason to believe that this product,</p> <p>6 the teachings of this invention will still be</p> <p>7 effective at lower concentrations.</p> <p>8 Q. Why do -- strike that.</p> <p>9 So your understanding -- let me see if I</p> <p>10 can put it this way. Your understanding that that</p> <p>11 sentence means you could use less than 5 percent is</p> <p>12 based on an understanding that the inventors didn't</p> <p>13 do any testing below 5 percent? Is that what you</p> <p>14 are saying?</p> <p>15 A. No.</p> <p>16 MR. BURATTI: Objection to form and</p> <p>17 mischaracterizes testimony.</p> <p>18 A. That's not what I'm saying. What I'm</p> <p>19 saying is this. In the patent the lowest</p> <p>20 concentration of orange oil that the inventors</p> <p>21 report that they evaluated was 5 percent. At that</p> <p>22 concentration the product is less effective than</p>

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<p style="text-align: right;">242</p> <p>1 _____</p> <p>2 CHRISTOPHER T. RHODES, Ph.D.</p> <p>3</p> <p>4</p> <p>5 SUBSCRIBED and SWORN TO before me this ____ day of</p> <p>6 _____, 2006.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 NOTARY PUBLIC</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 My Commission expires: _____</p> <p>22 UNITED STATES OF AMERICA)</p>	<p style="text-align: right;">243</p> <p>1 ss:</p> <p>2 DISTRICT OF COLUMBIA)</p> <p>3 I, ROBERT M. JAKUPCIAK, an RPR and Notary</p> <p>4 Public within and for the District of Columbia do</p> <p>5 hereby certify:</p> <p>6 That the witness whose depostion is</p> <p>7 hereinbefore set forth, was duly sworn and that the</p> <p>8 within transcript is a true record of the testimony</p> <p>9 given by such witness.</p> <p>10 I further certify that I am not related to</p> <p>11 any of these parties to this action by blood or</p> <p>12 marriage and that I am in no way interested in the</p> <p>13 outcome of this matter.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set my</p> <p>15 hand this ____ day of _____, 2006.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 My Commission Expires:</p> <p>20 December 14, 2008</p> <p>21</p>
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